IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	Attorney Docket No.: 2951.03US02
Dewar	Confirmation No.: 3786
Application No.: 09/878,245	Examiner: George B. Davis
Filed: June 12, 2001	Group Art Unit: 2129

For: COMPUTER-IMPLEMENTED SYSTEM FOR HUMAN RESOURCES
MANAGEMENT

AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents
P.O. Box 1450
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Sir:

This Amended Appeal Brief is presented as a complete new brief in response to the

Notification of Non-Compliant Appeal Brief of January 12, 2007, and in support of the

Notice of Appeal to the Board of Patent Appeals and Interferences, filed August 18, 2006,

from the final rejection claims 15-17, as set forth in the Final Office Action of April 20, 2006.
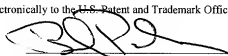
The Appellant respectfully requests reconsideration and reversal of the Examiner's

rejections of the pending claims.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

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February 12, 2007
Date   Brad Pedersen

I.   REAL PARTY IN INTEREST (37 C.F.R. § 41.37(c)(1)(i)).

The real party in interest of the above-identified patent application is PreVisor Minnesota Inc., which recently acquired the assignee of record, ePredix, Inc., of Minneapolis, Minnesota.

II.　　RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c)(1)(ii)).

Appellant and Appellant's legal representatives know of no other appeals or interferences that may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III.   STATUS OF CLAIMS (37 C.F.R. § 41.37(c)(1)(iii)).

Claims 15-17 stand rejected, remain pending, and are the subject of the present Appeal.

Claims 1-14 have been canceled.

IV.   **STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(1)(iv)).**

All amendments have been entered, including a Response After Final filed July 6, 2006. No amendments have been filed subsequent to the Advisory Action of July 19, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(1)(v)).

To aid in the Board's consideration of the present Appeal, a concise explanation of the subject matter defined in claims 15-17 is set forth below, referring to the substitute specification of U.S. Application Serial No. 09/878,245 filed on January 27, 2006, (hereinafter "Application") by page and paragraph number and to the drawings by reference characters. The concise explanation does not provide an exhaustive or exclusive view of the subject matter defined in the claims.

In general, the present invention is directed to an electronic prediction system for assessing a suitability of job applicants for an employer that provides advantages over current techniques for testing and/or evaluating job applicants prior to hiring those applicants for a particular job or promotion. The present invention overcomes the challenges associated with current techniques that have been limited to choosing among potential job candidates based only on minimum candidate qualifications so as not to run afoul of the rigorous non-discrimination hiring standards imposed by the "Uniform Guidelines" promulgated in 1978 by the Federal Government (41 CFR §§ 60-3). The present invention makes use of the Internet and online recruiting to permit the efficient evaluation of the suitability of large numbers of job applicants applying for job positions that may have relatively common minimum candidate qualifications by ranking job applicants based on an online assessment of validated factors other than minimum candidate qualifications in a manner acceptable under the "Uniform Guidelines."

A. CLAIM 15

An electronic prediction system for assessing a suitability of job applicants for an employer. See generally Application, at page 4, line 19 – page 5, line 15; and page 7, line 11– page 9, line 21.

The electronic prediction system comprises a plurality of terminals [102, 116, 120] connected to the Internet [104] and accessible by the applicants. See id., for example, at page 5, line 16 – page 6, line 12; and Fig. 1. The electronic prediction system further comprises an applicant screening server [106] connected through the Internet [104] to the terminals [102, 116, 120], the applicant screening server [106] having a testing computer program [108] and storing test data. See id., for example, at page 5, line 16 – page 6, line 5; and Fig. 1. The electronic prediction system also comprises a website [524, 538] identified by a uniform resource locator indicated in an employer job advertisement [504, 506, 508, 510, 512, 514, 516], the website [524, 538] configured to present application questions to the applicants at the terminals [102, 116, 120] and to receive applicant responses entered at the terminals [102, 116, 120] in response to presentation of the application questions. See id., for example, at page 14, line 6 – page 17, line 16; and Figs. 1-5.

The application questions comprise requirements questions eliciting information on whether the applicants meet employment requirements. See id., for example, at page 6, line 21 – page 7, line 4; page 12, line 22 – page 13, line 5; page 16, lines 3 – 11; page 21, lines 11 – 19; and Figs. 2-5, 11, and 12. The application questions also comprise a set of validated questions validated by correlating job performance ratings of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired, the set of validated questions being a short subset of a large assessment, the short subset being selected to serve as a fast job-related pre-screen. See id., for example, at page 5,

lines 6 – 15; page 7, lines 11 – 14; page 10, lines 1 – 6; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 2-5 and 13.

The electronic prediction system further comprises a scoring system for automatically scoring the applicant responses in real time. See id., for example, at page 6, lines 3 – 5; page 6, line 15 – page 7, line 4; and Fig. 1. The scoring system compares applicant responses for requirements questions to employer requirements, validated to predict both performance and turnover potential. See id., for example, at page 5, line 6 –15; page 6, line 21 – page 7, line 4; page 7, lines 11 – 14; page 10, lines 1 – 6; page 12, line 22 – page 13, line 5; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 1, 7, 12 and 13. The electronic prediction system also comprises a scoring database [110] connected to the applicant screening server [106]. See id., for example, at page 5, line 16 – page 6, line 5 and page 6, line 15 – page 7, line 4; and Fig. 1.

The electronic prediction system further comprises an applicant input system [120] located on the employer's premises and configured to administer an in-depth assessment to an applicant at the employer's premises after the applicant has come to the employer's premises and logged on. See id., for example, at page 6, lines 9 – 12; page 13, lines 6 – 13; page 17, lines 3 – 8; and Figs. 1, 3, 5, 11, and 12.

The electronic prediction system also comprises a viewing system for permitting the employer to view applicant results from the electronic prediction system and the applicant's rank order. See id., for example, at page 6, lines 6 – 20; page 7, lines 5 – 10; page 11, line 21 – page 12, line 4; page 21, lines 3 –10; and Figs. 1, 5, 7, and 12. The applicant results provide information on applicants who have a high probability of performing successfully and not terminating early. See id., for example, at page 7, lines 11 – 14; page 10, lines 1 – 6;

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page 12, line 22 – page 13, line 5; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 7, 12 and 13.

B.   CLAIM 16

An electronic prediction system for assessing a suitability of job applicants for an employer. See generally id., at page 4, line 19 – page 5, line 15; and page 7, line 11 – page 9, line 50.

The electronic prediction system comprises a plurality of terminals [102, 116, 120] connected to the Internet [104] and accessible by the applicants. See Application, for example, at page 5, line 16 – page 6, line 12; and Fig. 1. The electronic prediction system also comprises an applicant screening server [106] connected through the Internet [104] to the terminals [102, 116, 120] and having a testing computer program [108] and storing test data. See id., for example, at page 5, line 16 – page 6, line 5; and Fig. 1.

The electronic prediction system further comprises an employer job advertisement [510, for example] identifying a uniform resource locator. See id., for example, at page 11, lines 15 – 20; page 14, lines 19 – 22; page 15, line 1 – page 16, line 2; and Figs. 5 and 10-12.

The electronic prediction system also comprises a resource identified by the uniform resource locator, the resource configured to present application questions to the applicants at the terminals [102, 116, 120] and to receive applicant responses entered at the terminals [102, 116, 120] in response to presentation of the application questions. See id., for example, at page 14, line 6 – page 17, line 16; and Figs. 1-5. The application questions comprise requirements questions eliciting information on whether the applicants meet employment requirements. See id., for example, at page 6, line 21 – page 7, line 4; page 12, line 22 – page 13, line 5; page 16, lines 3 – 11; page 21, lines 11 – 19; and Figs. 2-5, 11, and 12. The

application questions also comprise validated questions validated by correlating job performance of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired. See id., for example, at page 5, lines 6 – 15; page 7, lines 11 – 14; page 10, lines 1 – 6; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 2-5 and 13.

The electronic prediction system further comprises a scoring system for automatically scoring the applicant responses in real time, the scoring system being validated to predict both performance and turnover potential. See id., for example, at page 5, lines 6 –15; page 6, lines 3-5; page 6, line 15 – page 7, line 4; page 7, lines 11 – 14; page 10, lines 1 – 6; page 12, line 22 – page 13, line 5; page 14, lines 6-18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 1, 7, 12 and 13. A scoring database [110] of the electronic prediction system is connected to the applicant screening server [106]. See id., for example, at page 5, line 16 – page 6, line 5; page 6, line 15 – page 7, line 4; and Fig. 1.

The electronic prediction system also comprises a viewing system for permitting the employer to view applicant results from the electronic prediction system and the applicant's rank order. See id., for example, at page 6, lines 6-20; page 7, lines 5 – 10; page 11, line 21 – page 12, line 4; page 21, lines 3 – 10; and Figs. 1, 5, 7, and 12. The applicant results provide information on applicants who have a high probability of performing successfully and not terminating early. See id., for example, at page 7, lines 11 – 14; page 10, lines 1 – 6; page 12, line 22 – page 13, line 5; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 7, 12 and 13.

C.   CLAIM 17

An electronic prediction system for assessing a suitability of job applicants for an employer. See generally id., at page 4, line 19 – page 5, line 15; and page 7, line 11 – page 9, line 21.

The electronic prediction system comprises a plurality of terminals [102, 116, 120] connected to the Internet [104] and accessible by the applicants. See Application, for example, at page 5, line 16 – page 6, line 12; and Fig. 1. The electronic prediction system also comprises an applicant screening server [106] connected through the Internet [104] to the terminals [102, 116, 120], the applicant screening server [106] having a testing computer program [108] and storing test data. See id., for example, at page 5, line 16 – page 6, line 5; and Fig. 1.

The electronic prediction system further comprises a resource identified by a telephone number in an employer job advertisement, the resource configured to present application questions to the applicants at the terminals [102, 116, 120] and to receive applicant responses entered at the terminals [102, 116, 120] in response to presentation of the application questions. See id., for example, at page 11, page 11, line 15 – 12, line 4; page 14, lines 19-22; page 15, line 15 – page 16, line 2; and Figs. 1, 3, and 5. The application questions comprises requirements questions eliciting information on whether the applicants meet employment requirements. See id., for example, at page 6, line 21 – page 7, line 4; page 12, line 22 – page 13, line 5; page 16, lines 3 – 11; page 21, lines 11 – 19; and Figs. 2-5, 11, and 12. The application questions also comprise validated questions validated by correlating job performance of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired. See id., for example, at page 5,

lines 6 – 15; page 7, lines 11 – 14; page 10, lines 1 – 6; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 26; page 20, lines 7 – 9; and Figs. 2 - 5 and 13.

Further, the electronic prediction system comprises a scoring system for automatically scoring the applicant response in real time, the scoring system being validated to predict both performance and turnover potential. See id., for example, at page 5, lines 6 -- 15; page 6, lines 3 – 5; page 6, line 15 – page 7, line 4; page 7, lines 11-14; page 10, lines 1-6; page 12, line 22 – page 13, line 5; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14-16; page 20, lines 7 – 9; and Figs. 1, 7, 12 and 13. A scoring database [110] is connected to the applicant screening server [106]. See id., for example, at page 5, line 16 – page 6, line 5 and page 6, line 15 – page 7, line 4; and Fig. 1.

The electronic prediction system also comprises a viewing system for permitting the employer to view applicants results from the electronic prediction system and the applicant's rank order. See id., for example, at page 6, lines 6 – 20; page 7, lines 5 – 10; page 11, line 21 – page 12, line 4; page 21, lines 3 – 10; and Figs. 1, 5, 7, and 12. The applicant results provide information on applicants who have a high probability of performing successfully and not terminating early. See id., for example, at page 7, lines 11 – 14; page 10, lines 1 – 6; page 12, line 22 – page 13, line 5; page 14, lines 6 – 18; page 18, line 17 – page 19, line 4; page 19, lines 14 – 16; page 20, lines 7 – 9; and Figs. 7, 12 and 13.

VI. **GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. §**
41.37(c)(1)(vi)).

     A.   Whether claims 15-17 are unpatentable under 35 U.S.C. § 102(b) as
anticipated by U.S. Patent No. 5,722,418 to Bro (hereinafter "Bro").

VII. ARGUMENT (37 C.F.R. § 41.37(c)(1)(vii)).

A. REJECTION UNDER 35 U.S.C. § 102(B) OVER BRO.

The Examiner rejected claims 15-17 under 35 U.S.C. § 102(B) as being anticipated by Bro. Appellant respectfully requests reversal of the rejection in view of the following comments.

For a reference to anticipate a claim under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. "Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim." Richardson v. U.S. Suzuki Motor Corp., 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989); see also RCA Corp. v. Applied Digital Data Systems, Inc., 221 USPQ 385, 388 (Fed. Cir. 1984), cert. dismissed, 468 U.S. 1228 (1994); MPEP § 2131. "Anticipation is not shown by a prior art disclosure which is only 'substantially the same' as the claimed invention." Jamesbury Corp. v. Litton Industrial Products, Inc., 225 U.S.P.Q. 253, 256 (Fed. Cir. 1985).

(1) Arguments for All Claims

While the present invention is directed to a prediction system for assessing suitability of job applicants, Bro is specifically directed to a behavioral modification process using interactive telecommunication guidance. As has been repeatedly argued to the Examiner, there is no express or inherent teaching of applying any of the interactive telecommunication guidance techniques of Bro to the claimed invention that generates information that can be used to predict the suitability of job applicants.

Bro does not disclose "a prediction system for assessing a suitability of job applicants" as recited in each of claims 15-17. As evidence that Bro purportedly teaches

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Appellant's aforementioned recited claim limitation, the Examiner points to col. 19, lines 39-41, of Bro in the Final Office Action mailed April 20, 2006. This citation in Bro states: "By measuring and observing the patient's or employee's latency response interval over a period of time, useful clues and insights emerge *which can be used to assess and predict more accurately the degree of crystallization of a person's attitudes and resulting behavior.*" (Full sentence provided, with emphasis added to the Examiner's specific citation.) The "prediction" taught by Bro is directed to behavior generally, behavioral problems more specifically, and is designed for use with existing "employees and patients having behavioral and various addiction, volitional, or motivation problems" (Bro, col. 9, lines 14-20). There is nothing at all in Bro that even mentions *job applicants*, let alone the *suitability* of such applicants for an employer, as recited in claims 15-17.

Appellant respectfully submits that the Examiner has not identified any teaching in Bro of at least the following elements of "a prediction system for assessing a suitability of job applicants" as recited in each of claims 15, 16, and 17 sufficient to meet the requirements of 35 U.S.C. § 102:

    a.   a "website configured to present application questions," the application questions including:

         i.   "requirements questions eliciting information on whether the applicants meet employment requirements"; and

         ii.   "a set of validated questions validated by correlating job performance ratings of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired";

b. a "scoring system" that compares "applicant responses for requirements questions to employer requirements and being validated to predict both performance and turnover potential"; and

c. a "viewing system" that:

   i. permits "the employer to view applicant results from the electronic prediction system and the applicant's rank order"; and

   ii. with "the applicant results providing information on applicants who have a high probability of performing successfully and not terminating early."

Each of the aforementioned elements is recited in each of claims 15, 16, and 17 and is addressed individually below.

(a)(i) "requirements questions"

In the Advisory Action mailed July 19, 2006 (hereinafter "the Advisory Action"), the Examiner stated the following on page 2: "The suitability of a job applicant [is] of a behavior[al] nature and Bro teaches patient or employee for [sic] changing or reinforcing a specific behavioral problem and goal management," citing col. 7, lines 15-25, and col. 15, lines 14-30, of Bro. Appellant respectfully disagrees. The "suitability of a job applicant" is not only behavioral, but can also relate to skills, preferences, experiences and other competencies as taught by the present invention; refer, for example, to page 7, ¶ 0031 – page 9, ¶ 0081, of the substitute specification filed on January 27, 2006 (hereinafter "the Application"). The fact that the suitability of a job applicant as contemplated by the claimed invention includes more than behavioral issues is made express by the recitation in the claims of the use of "requirements questions" that elicit "*information on whether the applicants meet*

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employment requirements." The Examiner has failed to identify any express or implied teaching in Bro of the requirements questions limitations of the claims.

(a)(ii) "validated questions"

In the Advisory Action, the Examiner stated the following at page 2: "Applicant further argues at page 8, line 1 that Bro does not teach questions that have been validated. However, Applicant specification, section 0102 refers to question and validated question as screening and selection questions. Screening and selection questions are behavioral type questions." Appellant respectfully disagrees. The nature of what is contemplated by "validated questions" in accordance with the claimed invention is expressly set forth in the claim language: "*validated by correlating job performance ratings of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired.*" (Emphasis added.) A broad, sweeping generalization by the Examiner that screening and selection questions are behavioral, even if it were correct, which it is not, cannot substitute for an identification of the required claim limitations of what constitutes validated questions for purposes of the claimed invention. There is absolutely nothing in Bro that teaches or even suggests the recited limitations for validated questions.

(b) "scoring system"

In response to Appellant's previous identification in the Response After Final filed on July 6, 2006, of failure of any identification of a teaching of this limitation in Bro, the Examiner stated that "again the limitations cited here are applicant's behaviors which are cited in Bro's patent." (Advisory Action, page 2). The Examiner argues that Bro discloses "patient or employee for [sic] changing or reinforcing a specific behavioral problem and goal

management," citing col. 7, lines 15-25, and col. 15, lines 14-30, of Bro. Appellant respectfully disagrees. Changing or reinforcing behavior problems and goal management is not a "scoring system" as required by the claims of the present invention. The claims require the use of "applicant responses for requirements questions to employer requirements and being validated *to predict both performance and turnover potential.*" (Emphasis added.) There is simply nothing in Bro that teaches a scoring system that, as discussed below, ranks applicants and also predicts both performance and turnover potential.

In terms of the citations referenced at col. 7, lines 15-25, of Bro, as identified by the Examiner in the Advisory Action, Bro discusses U.S. Patent No. 4,916,435 to Fuller, which discloses a "remote confinement monitoring station and system" (Bro, col. 7, lines 9-10) and refers in the Examiner's citation to a "confinee." Appellant respectfully submits that this teaching, in particular the reference to a confinee, is irrelevant to and therefore does not teach the scoring system for assessing a suitability of job applicants recited in claims 15-17.

At col. 15, lines 14-30, of Bro, also identified by the Examiner in the Advisory Action, Bro teaches "send[ing] a patient or employee behavioral modification queries or polling questions," the answers to which "are analyzed by the patient's or employee[']s doctor or trainer to find root problems." This teaching is also irrelevant to claims 15-17 and the present invention in general; specifically, finding root problems of a patient or employee can in no way be characterized as a scoring system as taught and claimed by the present invention.

(c)(i) "rank order"

The inability of the Examiner's strained reading of Bro to meet the claimed limitations of the present invention is especially highlighted in considering the requirement of

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the claims that the applicants (plural) are viewed by the employer in rank order. The behavioral management and goal management system of Bro is by necessity an individualized process. There is simply nothing in Bro that teaches anything that could be considered a competition among the employees or patients where Bro would provide an ability to view a rank order of the employee or patient relative to other patients.

(c)(ii) "probability of success/turnover"

In the Office Action mailed September 27, 2005, at page 9, lines 9-10, the Examiner asserted that Bro anticipates "the applicant results providing information on applicants who have a high probability of performing successfully and not terminating early" of claims 15-17 at col. 19, lines 35-43, and at col. 59, line 43 – col. 60, line 6. Bro includes no anticipatory teaching at either col. 19, lines 35-43 (a portion of which is discussed above), or at col. 59, line 43 – col. 60, line 6 (which discusses simulations and games, neither of which are relevant to the present invention as recited in claims 15-17). Further, Appellant submits that Bro includes no such anticipatory teaching whatsoever.

(2)   Arguments for Claim 15

In addition to the arguments set forth above, the limitations of independent claim 15 with respect to "short sub-set" for a "fast job-related pre-screen" and for those passing the pre-screen "in-depth assessment" on "employer's premises" are also completely absent in any reasonable reading of Bro. This absence of any teaching of these limitations has never been addressed by the Examiner.

B.   **CONCLUSION.**

Appellant submits that claims 15, 16, and 17 are patentable over the references of record.

Appellant asserts that the Examiner has clearly failed to establish anticipatory unpatentability of

any of the claims. Therefore, Appellant respectfully requests reversal of the rejections of claims

15, 16, and 17 and the allowance of the same.

Respectfully submitted,

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VIII. CLAIMS APPENDIX (37 C.F.R. § 41.37(c)(1)(viii)).

1-14.   (Canceled)

15.   (Previously Presented) An electronic prediction system for assessing a suitability of job applicants for an employer, the electronic prediction system comprising:

>   a plurality of terminals connected to the Internet and accessible by the applicants;

>   an applicant screening server connected through the Internet to the terminals, the applicant screening server having a testing computer program and storing test data;

>   a website identified by a uniform resource locator indicated in an employer job advertisement, the website configured to present application questions to the applicants at the terminals and to receive applicant responses entered at the terminals in response to presentation of the application questions, the application questions comprising:

>>   requirements questions eliciting information on whether the applicants meet employment requirements; and

>>   a set of validated questions validated by correlating job performance ratings of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired, the set of validated questions being a short subset of a large

assessment, the short subset being selected to serve as a
fast job-related pre-screen;

a scoring system for automatically scoring the applicant responses in real time,
the scoring system comparing applicant responses for requirements
questions to employer requirements and being validated to predict both
performance and turnover potential;

a scoring database connected to the applicant screening server;

an applicant input system located on the employer's premises and configured
to administer an in-depth assessment to an applicant at the employer's
premises after the applicant has come to the employer's premises and
logged on; and

a viewing system for permitting the employer to view applicant results from
the electronic prediction system and the applicant's rank order, the
applicant results providing information on applicants who have a high
probability of performing successfully and not terminating early.

16.   (Previously Presented) An electronic prediction system for assessing a suitability of
job applicants for an employer, the electronic prediction system comprising:

a plurality of terminals connected to the Internet and accessible by the
applicants;

an applicant screening server connected through the Internet to the terminals,
the applicant screening server having a testing computer program and
storing test data;

an employer job advertisement identifying a uniform resource locator;

a resource identified by the uniform resource locator, the resource configured to present application questions to the applicants at the terminals and to receive applicant responses entered at the terminals in response to presentation of the application questions, the application questions comprising:

requirements questions eliciting information on whether the applicants meet employment requirements; and

validated questions validated by correlating job performance of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired;

a scoring system for automatically scoring the applicant responses in real time, the scoring system being validated to predict both performance and turnover potential;

a scoring database connected to the applicant screening server; and

a viewing system for permitting the employer to view applicant results from the electronic prediction system and the applicant's rank order, the applicant results providing information on applicants who have a high probability of performing successfully and not terminating early.

17. (Previously Presented) An electronic prediction system for assessing a suitability of job applicants for an employer, the electronic prediction system comprising:

a plurality of terminals connected to the Internet and accessible by the applicants;

an applicant screening server connected through the Internet to the terminals, the applicant screening server having a testing computer program and storing test data;

a resource identified by a telephone number in an employer job advertisement, the resource configured to present application questions to the applicants at the terminals and to receive applicant responses entered at the terminals in response to presentation of the application questions, the application question comprising:

requirements questions eliciting information on whether the applicants meet employment requirements; and

validated questions validated by correlating job performance of a plurality of hired workers with previous responses given by the workers to the application questions before the workers were hired;

a scoring system for automatically scoring the applicant response in real time, the scoring system being validated to predict both performance and turnover potential;

a scoring database connected to the applicant screening server; and

a viewing system for permitting the employer to view applicants results from the electronic prediction system and the applicant's rank order, the applicant results providing information on applicants who have a high probability of performing successfully and not terminating early.

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IX.   **EVIDENCE APPENDIX (37 C.F.R. § 41.37(c)(1)(ix)).**

None.

X.   RELATED PROCEEDINGS APPENDIX (37 C.F.R. § 41.37(c)(1)(x)).

None.